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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-cv-21929-BLOOM/Elfenbein

ZACHARY GRIFFIN,

Plaintiff,

vs.

MOTORSPORT GAMES INC.,

Defendant.

/

Thursday, January 30, 2025  
9:59 a.m. - 11:53 a.m.

VIDEO CONFERENCE DEPOSITION OF STANLEY BECKLEY

Diana Armendariz Smith  
Florida Professional Reporter  
Elite Reporting of South Florida, Inc.  
707 SE 3rd Avenue, #101  
Fort Lauderdale, Florida 33316

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8  
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14 \* \* \*

15 I N D E X

16 WITNESS

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17 STANLEY BECKLEY

18 DIRECT EXAMINATION  
19 BY: MR. MAURA

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Video Conference Deposition of STANLEY  
BECKLEY, a witness herein taken on behalf of the  
Plaintiff, herein, for the purpose of discovery and  
for use as evidence in the above-entitled cause,  
wherein ZACHARY GRIFFIN is the Plaintiff, and  
MOTORSPORT GAMES INC. is the Defendant, pending in the  
United States District Court, Southern District of  
Florida before DIANA ARMENDARIZ SMITH, Florida  
Professional Reporter and Notary Public in and for the  
State of Florida on January 30, 2025, commencing on or  
about 9:59 o'clock a.m.

\* \* \* \* \*

Whereupon:

STANLEY BECKLEY

personally appeared before me, a witness herein, being  
of lawful age and being first duly sworn in the  
above-entitled cause, testified on his oath as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. AYALA MAURA:

**Q Good morning, Mr. Beckley.**

**A Good morning.**

**Q My name is Eduardo Ayala and I am the attorney  
for the plaintiff in this case, Mr. Zach Griffin. I'll  
be asking a series of questions. I like to keep this**

1 as informal as possible, questions and answers. If for  
2 any reason, you know, you need a break or things like  
3 that, we can have that, but I anticipate doing this  
4 give or take two hours, okay?

5 A Okay.

6 Q Have you ever had your deposition taken  
7 before?

8 A No.

9 Q So the only basic instruction that I'll give  
10 you is we need verbal answers for Ms. Armendariz to  
11 take everything down properly.

12 A Yes.

13 Q We don't speak on top of each other, and  
14 generally we break, let's break, you know, when we wrap  
15 up a particular topic or, you know, section of the  
16 deposition. Other than that do you have any questions?

17 A Not at this time.

18 Q Okay. Will you please just state your full  
19 name for the record?

20 A Stanley Beckley.

21 Q What is your date of birth?

22 A XX-XX-XXXX.

23 Q And what is your --

24 MS. FÉROT: Counsel, I'm going make the  
25 date of birth as a completed show off of the

1 transcript.

2 MR. AYALA MAURA: That's no problem.

3 BY MR. AYALA MAURA:

4 Q What is your residential address?

5 A 14678 Southwest 35th Court, Miramar, Florida.

6 Q Okay. Let's talk briefly about your  
7 professional background. Can you tell me what did you  
8 do after you finished high school?

9 A Yes, I went to college. I went to FIU.  
10 Graduated with my bachelors and masters degrees in  
11 accounting, and then graduated with a bachelors in  
12 2005. I started working for KPMG in August of 2005.  
13 So I have about 20 years of experience this year.  
14 Spent, I guess, with KPMG and then I was in series  
15 of -- for Maytag to Capital for a point to Miami -- US  
16 Miami Health System and now I currently am the chief  
17 financial officer of Motorsport Games. I also handle  
18 an acquisition of chief accounting officer for Driven  
19 Lifestyle Group, which is the parent company of  
20 Motorsport Games.

21 Q And what month and year did you exactly start  
22 working for Motorsport?

23 A Motorsport Games, Inc.?

24 Q Yes.

25 A So I was appointed as the handling chief

1 financial officer in November of 2023, and that was  
2 made permanent. I was made permanent chief financial  
3 officer of Motorsport Games, Inc., in May of 2024.

4 **Q Before moving in 2023 did you work at all at**  
5 **Motorsport, Inc.?**

6 A Motorsport Games, Inc.?

7 **Q Motorsport Games, Inc., sorry.**

8 A So I was the chief accounting officer for the  
9 parent company of Motorsport Games, Inc., which is  
10 Driven Lifestyle.

11 **Q What is it called? I couldn't get the name,**  
12 **sorry.**

13 A It's called Driven Lifestyle Group.

14 **Q Okay.**

15 A It's the parent company of Motorsport Games,  
16 Inc.

17 **Q And how long did you work for the Driven**  
18 **Lifestyle Group?**

19 A June last -- well, I -- Well, it's my second  
20 stint with Driven Lifestyle Group. I initially started  
21 as chief accounting officer in February of 2021, spent  
22 about a year and a half, two years something, somewhere  
23 close to that and left for a year to become the CFO at  
24 another company called CL Inquirer, CL Enterprises, and  
25 I returned last year of 2023 is when I returned to

1 Driven Lifestyle Group and then I was appointed as the  
2 CFO for Motorsport Games in November of 2023.

3 **Q So the Motor Games (sic) Sports Inc. it's a**  
4 **public company, correct?**

5 A It is, yes.

6 **Q And --**

7 A Motorsport Games Inc.

8 **Q Motorsport Games Inc., which is the company**  
9 **for which you are the CFO right now?**

10 A Correct.

11 **Q So as the CFO of Motorsport Games Inc., who do**  
12 **you report to?**

13 A I report to the CEO, Stephen Hood.

14 **Q Stephen Hood. Did you ever cross paths with a**  
15 **gentleman by the last name of Kozko?**

16 A Yes.

17 **Q He is still in the company?**

18 A Motorsport Games Inc.?

19 **Q Motorsport Games Inc., yes.**

20 A No. He was no longer the CEO as of April  
21 2023. He was replaced by Stephen Hood.

22 **Q Okay. Did Mr. Kozko go to work for the parent**  
23 **company?**

24 A He works for one the subsidiaries of the  
25 parent company Driven Lifestyle Group, I believe.

1           **Q**     Sorry, I am having a hard time with that name.  
2     Can you spell it for me?

3           **A**     So think of Drive. D-R-I-V-E-N. So Driven  
4     Lifestyle Group.

5           **Q**     Driven Lifestyle Group it's also publicly  
6     traded?

7           **A**     It is not, no.

8           **Q**     It's private?

9           **A**     Yes.

10          **Q**     So that's Driven Lifestyle Group. Is that  
11     company the parent company for the Motorsport Games  
12     Australian subsidiary?

13          **A**     Motorsport Games Inc. is the parent company of  
14     Motorsport Games Australia.

15          **Q**     Okay. How do you know that, you know, this  
16     information based on the group of the business? Have  
17     you seen some legal documentation that reflects the  
18     parent subsidiary relationship?

19          **A**     How do I know the organizational of Motorsport  
20     Games Inc.?

21          **Q**     Yes.

22          **A**     Motorsport Games Inc. is the parent company of  
23     Motorsport Games Australia.

24          **Q**     Mm-hmm.

25          **A**     Because I'm the CFO. I'm responsible for all

1 the financials. I know the organization structure. I  
2 know what's subsidiaries are. It's part of my job.

3 **Q So that basically when the finances and**  
4 **accounting is done that's basically how the structure**  
5 **is reported in the tax return and K1 reports and things**  
6 **like that?**

7 A Well, taxes are different in matter, right,  
8 but for financial reporting under the US common rules  
9 if financial statements are issued or filed for public  
10 company like Motorsport Games Inc., all the  
11 subsidiaries of those in Motorsport Games Inc, right,  
12 and we can define what subsidiary means is control  
13 that's the technical definition, right? Cannot --  
14 doesn't have to be, like, a five percent subsidiary,  
15 but typically if a parent company owns more than  
16 50 percent, right, of a subsidiary, it is also that  
17 subsidiary consolidated, right, and according to the  
18 reporting the financials still need to report and as of  
19 now that means the company we have to file as well and  
20 reporting financial statements that includes all the  
21 subsidiaries of Motorsport Games Inc.

22 **Q And what percentage does Motorsport Games Inc.**  
23 **own of Motorsport Games Australia?**

24 A I believe it's a hundred percent.

25 **Q A hundred percent?**

1 A Mm-hmm.

2 Q Is it the same situation from Driven Lifestyle  
3 Group to Motorsport Games Inc. US that Driven owns a  
4 hundred percent of that one, too?

5 A No. So because Motorsport Games is publicly  
6 traded.

7 Q Oh, you're right. I see. It was a bad  
8 question. Yes. It's owned by a lot of people, right?  
9 So -- okay. All right. So let me switch to another  
10 situation.

11 How familiar are you for -- with the facts of  
12 this case what we're here for?

13 MS. FÉROT: Form.

14 THE WITNESS: I'm sorry, what was that?

15 MS. FÉROT: You can answer.

16 A Okay. How familiar? Well, when the complaint  
17 was served, it was sent to our office and I received  
18 it. So I read through it. I know in the past few  
19 months, right, we have become more familiar with the  
20 records. Also we worked with AXS Law and they've been  
21 assisting us, right, with our responses. So, yeah, I'm  
22 aware of the complaint and what is being alleged.  
23 If -- I don't know if that answers your question.

24 Q Yes, well, that's fair. I'm going to show you  
25 what we'll mark here in this deposition -- hold on.

1 Exhibit 2 -- so Exhibit 1, I guess.

2 (Exhibit Number 1 was marked for  
3 identification.)

4 BY MR. AYALA MAURA:

5 Q Do you see my screen?

6 A Yes.

7 Q I'm going to make it larger.

8 A Mm-hmm.

9 Q So this is -- this is some copies we want to  
10 discuss today. Are you familiar -- and we call here  
11 Motorsport Games Inc., MSG. Okay. That's how at least  
12 I've been calling it.

13 So are you familiar with the employment  
14 relationship between Zachary Griffin and Motorsport  
15 Games Inc.?

16 A Zachary was not employed by Motorsport Games  
17 Inc. His employment was with Motorsport Games  
18 Australia.

19 Q Are you familiar with that?

20 A Yes, I've seen the employment agreement.  
21 Yeah, he was never employed by Motorsport Games Inc.

22 Q Are you familiar with the request to relocate  
23 Griffin from Australia to Miami?

24 MS. FÉROT: Objection. Form.  
25

1 BY MR. AYALA MAURA:

2 Q I forgot to mention that your lawyer will make  
3 some objections. There are two types the ones where  
4 she just states some words, but you can answer, and  
5 some words she will specifically tell you not to  
6 answer. So as of now, you can answer.

7 A I'm aware of the discussions and Dmitry and  
8 Zach talking about moving to Australia, right. I'm  
9 aware of the letter that Motorsport Games provided to  
10 Zach as part of his visa application saying that  
11 Motorsport Games -- I don't know if it was Motorsport  
12 Games Inc or whether it was Motorsport Games Australia.  
13 It's probably Motorsport Games Inc that signed the  
14 letter requesting that he was going to be moving to  
15 Miami, right, as part of that application process. So,  
16 yeah, I'm aware of discussions about moving to Miami.

17 Q Yes, I'm sorry, if I wasn't maybe clear. I  
18 just want you to tell me if you have knowledge of the  
19 topics we're describing here and then I'll get into  
20 detail as we go along.

21 So you have knowledge regarding the  
22 sponsorship of Mr. Griffin and his wife, some knowledge  
23 of that?

24 A Yeah, not firsthand knowledge, but I've seen  
25 the discussions. I've seen, like, the email chains and

1 some of the documentation.

2 So when I joined Motorsport Games Inc. in  
3 November of 2023, you know, Zach wasn't working for the  
4 company, right? So I don't have firsthand knowledge --

5 **Q Right.**

6 A -- and Deedee (phonetic) Chadlives (phonetic)  
7 as well.

8 MS. FÉROT: Object. We're just trying  
9 to go over the copy.

10 THE WITNESS: Okay.

11 MS. FÉROT: And --

12 A Yes, I'm aware -- I'm just trying to say I  
13 don't have firsthand knowledge because I wasn't working  
14 for Motorsport Games during the visa sponsorship  
15 application process, but I'm aware, yes. I have  
16 knowledge of number four as well. Again, number four I  
17 have knowledge, 'cause I've seen the records.

18 MS. FÉROT: Stanley, I would like to  
19 instruct you to wait for the question. Not  
20 anticipate even if you know what's going to  
21 come next. You have to wait for the  
22 question, sorry.

23 THE WITNESS: Okay.

24 BY MR. AYALA MAURA:

25 **Q We're on number five.**

1           A       Yes, I'm aware of discussions based on what  
2 I've seen on number five as well.

3           Q       And what about the emails and the  
4 communications between Griffin and the company? You  
5 reviewed some of those, too?

6           A       Yes, I've seen those as well.

7           Q       And it's -- Strike that.

8                   How were you as the CFO designated as the  
9 corporate representative for this testimony today? Why  
10 were you designated as that agent by the company?

11                   MS. FÉROT: Objection. Stanley, you  
12 cannot disclose any privilege communication  
13 with their counsel.

14 BY MR. AYALA MAURA:

15           Q       So is there -- as part of the response if it  
16 doesn't include communication with your lawyer, you are  
17 actually allowed to answer it.

18                   My question is simple. I'll rephrase it. Are  
19 you here with authority to speak on behalf of  
20 Motorsport Games Inc., the Defendant in this case?

21           A       Yes.

22           Q       Thank you. Okay. So Motorsport Games Inc. is  
23 an independent legal entity separate from the  
24 Australian entity, correct?

25           A       Correct. It's a legal entity incorporated in

1 the State of Delaware. Motorsport Games Inc is.

2 MS. FÉROT: Form.

3 BY MR. AYALA MAURA:

4 Q And Motorsport Games Inc. has it's own  
5 payroll, correct?

6 A Yes, it does.

7 Q That payroll is separate from the payroll  
8 system that the Australian counterpart Motorsport Games  
9 Limited has, correct?

10 A So Motorsport Games Limited is the name of our  
11 UK subsidiary. Motorsport Games Australia PTY Limited  
12 is the name of our Australian subsidiary.

13 Q Yes, you're right. I got the names wrong.  
14 Can we call it Motorsport US and Motorsport Australia  
15 because we're going to refer to that a lot here. Can  
16 we agree, like, just for simplicity purposes?

17 A Yes. So Motorsport Games Inc. would be  
18 Motorsport US and Motorsport Games Australia PTY  
19 Limited would be Motorsport Games Australia.

20 Q Yes, because I'm not interested in the UK  
21 company or the Driven Lifestyle Group. So I just want  
22 to talk about Motorsport US, Motorsport Games Inc. and  
23 Motorsport Australia PTY Limited, okay?

24 So let's move forward speaking like that. So  
25 the payroll of Motorsport Australia is separate from

1 the payroll of Motorsport US, correct?

2 A Yes, it is.

3 Q There is a -- is there a situation where  
4 Motorsport US is paying employees that are working in  
5 Australia?

6 MS. FÉROT: Form. You can answer.

7 THE WITNESS: Okay.

8 A They have been on payroll in Australia and the  
9 US has its own payroll. Now if, and this is -- now,  
10 Motorsport Games Australia is no more. It was shut  
11 down in 2023. So since I came onboard there has been  
12 no payroll made for Motorsport Games Australia other  
13 than the severance. I joined in November of 2023 and I  
14 think we were making final severance payments to the  
15 employees that have been terminated, and Motorsport  
16 Games Australia I believe that's November 29th of 2023.  
17 So since I joined we haven't had to use, I guess, you  
18 asked me for a loan, if Motorsport Games Australia  
19 could be making it's own payroll of the US community  
20 funded. We haven't had to do that since I joined.

21 Q Okay. I'm going to show what we're now going  
22 to mark as Exhibit 2 to the deposition Motorsport USA.

23 (Exhibit Number 2 was marked for  
24 identification.)  
25

1 BY MR. AYALA MAURA:

2 Q Are you able to see this document?

3 A Yes.

4 Q So this is what we call a request for  
5 admissions. I don't know if you participated in this  
6 or not, but when we asked Motorsport Games, Motorsport  
7 USA to admitted that Motorsport USA and Motorsport  
8 Games Australia Limited are independent entities, the  
9 answer of Motorsport Games Inc. is denied.

10 Do you know why Motorsport USA is denying that  
11 it is an independent legal entity from the Australia  
12 counterpart?

13 MS. FÉROT: Objection to form.

14 THE WITNESS: That means I can answer,  
15 correct?

16 MS. FÉROT: You can, Stanley.

17 A So Motorsport Games Inc. is a separate legal  
18 entity that's incorporated in the state of Delaware.  
19 Motorsport Games Australia Limited was incorporated in  
20 Australia. They're affiliated, right, but they're  
21 separate independent legal entities. They have to file  
22 their own independent individual tax returns. They  
23 have their own payroll systems, right? Again, they're  
24 affiliated companies. One is a subsidiary of the  
25 other, but they're separate stand alone entities.

1 BY MR. AYALA MAURA:

2 Q For all you know they are independent  
3 entities, correct?

4 MS. FÉROT: Form.

5 A Yes. Motorsport Games Australia Limited is  
6 incorporated in Australia public records and Motorsport  
7 Games Inc. as well incorporated in all of that.

8 BY MR. AYALA MAURA:

9 Q Okay. So moving along here in this  
10 document -- sorry, nevermind. Moving onto other  
11 documents.

12 I'm going to show you now what we are going to  
13 label as Exhibit 3 it will be.

14 (Exhibit Number 3 was marked for  
15 identification.)

16 BY MR. AYALA MAURA:

17 Q This is a document produced by Motorsport USA.  
18 It's a letter that appears to be from Mr. Kozko. Can  
19 you briefly read this for me, please?

20 MS. FÉROT: Mr. Maura, can you please  
21 show the date stamp for each document so we  
22 would know. We don't have exhibits so that  
23 would help. Sorry.

24 MR. AYALA MAURA: It's MSG M00000019.

25 MS. FÉROT: Thank you.

1 BY MR. AYALA MAURA:

2 Q Okay. Will you please review this for me?

3 A You want me to read it out loud?

4 Q No, not out loud. I want you to read it,  
5 familiarize with it quickly and then I will ask you a  
6 question about it.

7 A Okay. Okay. I'm ready.

8 Q Have you seen this document before?

9 A I have, yes.

10 Q So isn't it fair to say that Motorsport Games  
11 Inc. was assisting or aiding Mr. Griffin to relocate to  
12 the US by helping him obtain visas and waivers to exit  
13 the country?

14 MS. FÉROT: Form.

15 A Motorsport Games Inc. did provide a letter of  
16 support, like, a letter like this one inviting Zach  
17 Griffin to come to Miami, right? As you can see,  
18 Dmitry the CEO, yeah, so they assisted. Motorsport  
19 Games Inc, assisted with getting Griffin located from  
20 Australia to Miami.

21 BY MR. AYALA MAURA:

22 Q And when Mr. Kozko wrote this letter, he did  
23 it on behalf as the CEO of Motorsport Games Inc.,  
24 correct?

25 A Yes.

1           **Q     This one is being marked as Exhibit 4 in the**  
2 **deposition. This one is MSG00 a bunch of zeros and**  
3 **2 -- 25 and 26.**

4                   **(Exhibit Number 4 was marked for**  
5 **identification.)**

6 BY MR. AYALA MAURA:

7           **Q     So this is an email from Mr. Kozko copy Amanda**  
8 **Lecheminant. Do you know Amanda Lecheminant?**

9           A     Yeah, I believe she's the former general  
10 counsel of Motorsport Games Inc.

11          **Q     She's no longer with the company?**

12          A     She's no longer with the company.

13          **Q     What about Dara Malavolta?**

14          A     She no longer works for Motorsport Games Inc.  
15 She works for one of the subsidiaries of Driven  
16 Lifestyle Group.

17          **Q     Where?**

18          A     She no longer with -- Dara Malavolta no longer  
19 works for Motorsport Games Inc.

20          **Q     She went to work for a subsidiary?**

21          A     Yes, she works for the subsidiary of Driven  
22 Lifestyle Group, for one of the subsidiaries.

23          **Q     Okay. And do you know what role she had?**

24          A     Dara, I believe she was the head of HR for  
25 Motorsport Games inc.

1 Q Yeah. So Mr. Kozko whose work base is out of  
2 the Miami address, correct?

3 A Correct.

4 Q Is this the headquarters of the company?

5 A It is.

6 Q This is the headquarters of Motorsport Games  
7 USA, right?

8 A Correct.

9 Q I'm going to show you another one. This one  
10 is a little challenging because it was written very --  
11 so this is an email. I don't know if it's big enough.

12 A I can see it.

13 Q Where Griffin is requesting from Mr. Kozko and  
14 Malavolta a series of evidence or paperwork in order  
15 for him to come to the US. Do you recall seeing this  
16 document before?

17 A I believe I've seen this, yes.

18 Q And it appears to me that Mr. Kozko on behalf  
19 of Motorsport USA was willing and able to help with the  
20 documentation, right?

21 MS. FÉROT: Form.

22 A Yes, he was assisting Zach with gathering, you  
23 know, letters from the company or from the parent  
24 company to assist him getting to Miami, right, from  
25 Australia.

1 BY MR. AYALA MAURA:

2 Q Correct. And this was for the purpose of  
3 employment in Miami, correct?

4 A Yeah, I believe this was all part of his  
5 proposed move to Miami, right, relocating to Miami.

6 Q And the move to Miami was for purposes -- it  
7 wasn't -- it was a permanent relocation. It wasn't a  
8 temporary thing, was it?

9 MS. FÉROT: Form.

10 A My understanding is that it was going to be a  
11 permanent relocation.

12 BY MR. AYALA MAURA:

13 Q Did you in whatever you have reviewed or even  
14 if you have personal knowledge was there any evidence  
15 of resistance to the relocation that someone in the  
16 company objected to the relocation?

17 A I'm not aware of any objections to the  
18 relocation.

19 Q I know you don't have firsthand knowledge of  
20 this, but from your review of the company records and  
21 information that you have as the corporate regional  
22 (sic) of the company right now Motorsport USA, what --  
23 why was Mr. Griffin needed here in the US, do you know  
24 that?

25 A Well, I think he was going to be -- or he was

1 made the director of global technology for the company.  
2 Based on my review of the documents I could see that he  
3 was going to be working closely with Dmitry Kozko on  
4 some of the our titles, like, NASCAR and IndyCar, he  
5 was involved in those efforts.

6 **Q In the IndyCar again, right?**

7 A Right. One of the projects that he was -- I  
8 think he worked on it or working on it during his time.

9 **Q And did it appear to you based on the emails**  
10 **that you have reviewed or the documentation that you**  
11 **have reviewed that Mr. Kozko then the CEO held**  
12 **Mr. Griffin in high regards?**

13 MS. FÉROT: Form.

14 A Yeah, I think there was clearly based on my  
15 review of the records that Mr. Griffin wanted Zach --  
16 Mr. Kozko wanted, you know, Zach in Miami to work with  
17 him and I think the feeling was mutual as well. Zach  
18 was excited about moving to Miami also.

19 BY MR. AYALA MAURA:

20 **Q Was there a director of global technology, I**  
21 **think that's the position, before Mr. Griffin in**  
22 **Motorsport USA?**

23 A There may have been. I mean, honestly that  
24 was before my time. We had a peak of a little over 200  
25 employees at one point, right? So I'm not sure if

1 someone held that title.

2 **Q Let me show you -- this is going to be**  
3 **Motorsport 319 and --**

4 MS. FÉROT: I'm sorry to ask, before you  
5 go on, the exhibit that you showed before,  
6 which was Exhibit Number 5, I don't think you  
7 numbered it.

8 MR. AYALA MAURA: Correct. So 65 -- no,  
9 wait. 25 is four, 25 is four. 65 is 5, and  
10 now we're onto this one. We're on to the  
11 picture, which is 319, which means 6, right?  
12 Yes. MSG 319 bate stamp.

13 (Exhibit Numbers 5 and 6 were marked for  
14 identification.)

15 BY MR. AYALA MAURA:

16 **Q So I'm going from left to right. Tell me if**  
17 **you know any of these individuals. Do you know this**  
18 **individual here in the left in black?**

19 A No, not familiar.

20 **Q What about the one next to him, who is he?**

21 A I believe that's Gustavo Roche from Motorsport  
22 Games Inc.

23 **Q Do you recognize this one?**

24 A Yes, that's Cliff Moray (phonetic), yes.

25 **Q Do you recognize this one?**

1 A Dmitry Kozko.

2 Q Do you recognize this individual here in the  
3 middle?

4 A Looks like he's a Games employee, but I don't  
5 know him, no.

6 Q Okay. So he wouldn't be from Motorsport USA?

7 MS. FÉROT: Objection to form.

8 A I don't know who it is.

9 BY MR. AYALA MAURA:

10 Q Do you recognize this individual the one next  
11 to him?

12 A I do not, no.

13 Q What about this woman here?

14 A I believe that's Amanda.

15 Q Mm-hmm.

16 A General counsel.

17 Q Former, right?

18 A Former. She no longer works for Motorsport  
19 Games Inc.

20 Q Do you recognize this individual next to her?

21 A No.

22 Q What about the one next to him?

23 A I don't recall his name, but I know he used to  
24 work for Motorsport Games. He used to handle -- he's  
25 handled NASCAR events. Is he Jay? This person is Jay?

1           **Q     What about this individual with the hat?**

2           A     That is -- he used to work for Motorsport  
3 Games as well. That's John Chaulquist (phonetic).

4           **Q     And this one?**

5           A     No, I don't know who it is.

6           **Q     Were you -- you wouldn't have been in this**  
7 **trip, would you? It's before you came, right?**

8           A     Yeah, when I joined all the employees that I  
9 personally know or that I mentioned that I knew, I  
10 don't believe any of them worked for Motorsport Games  
11 Inc when I joined.

12          **Q     Okay. And one of the topics that I showed you**  
13 **earlier was regarding the enforce (sic) to obtain Mr.**  
14 **Griffin apartments. So in this email Mr. Kozko appears**  
15 **to try to connect with Ana Gadeloba (phonetic) efforts**  
16 **to show some apartments in Miami. Have you seen this**  
17 **email before?**

18                   MS. FÉROT: Objection to form.

19          A     I believe it was part of the records that I  
20 looked at, yes.

21 BY MR. AYALA MAURA:

22          **Q     So is it fair to say that in general from what**  
23 **we've seen Motorsport not only offered a relocation,**  
24 **but made a series of efforts to assist the relocation**  
25 **of Mr. Griffin such as apartment finding, visa**

1 **assistance and things of that nature?**

2 MS. FÉROT: Objection to form.

3 A Yes, I think it looks like Motorsport Games  
4 Inc. assisted Zach Griffin with his relocation. There  
5 was a desire for him to move to Miami based on what  
6 I've seen. It looks like Zach was also willing and  
7 excited about the move as well.

8 BY MR. AYALA MAURA:

9 **Q So you as the person speaking for Motorsport**  
10 **USA right now you're not denying that Motorsport USA**  
11 **offered him to relocate him to the US, correct?**

12 MS. FÉROT: Objection to form.

13 A No, I'm not objecting to the statement that  
14 Motorsport Games assisted Zach with the relocation to  
15 Miami. I think there was an effort. There was  
16 assistance provided to Zach, his introductions with,  
17 you know, finding an apartment, writing a letter of  
18 support on his behalf. Yeah, there was clearly an  
19 effort based on what I've seen to assist Zach with his  
20 relocation.

21 BY MR. AYALA MAURA:

22 **Q And the effort was for the purposes -- for the**  
23 **purpose of him working as a director of technology in**  
24 **Motorsport USA, correct?**

25 MS. FÉROT: Form.

1       A       Well, he was -- his main title was director of  
2 global technology or something like that, but he would  
3 literally be working in that capacity upon relocating  
4 to Miami.

5 BY MR. AYALA MAURA:

6       **Q       Correct, but he wasn't going to move to Miami**  
7 **to then be working remotely from Miami for Motorsport**  
8 **Australia, right?**

9               MS. FÉROT: Objection to form.

10       A       Well, I think his title was director of global  
11 technology. His new job responsibilities would include  
12 I would assume development efforts worldwide, right?  
13 So assisting with development in the US or Australia or  
14 the UK Motorsport was -- I mean, the job duties like I  
15 said entailed directing and supervising teams in  
16 several countries including the U.S. and Australia.

17 BY MR. AYALA MAURA:

18       **Q       Correct, but that is true for virtually any**  
19 **director or employee of a parent company, right? That**  
20 **your position also probably entails things that go**  
21 **beyond Motorsport USA, doesn't it?**

22               MS. FÉROT: Form.

23       A       Well, not necessarily. You could be the CFO  
24 for the, you know, the US and A, and you could have  
25 another regional CFO for another country, right? I

1 guess, it really depends on the make up of the  
2 organization, right? But you have regional CFOs and  
3 regional CEOs in the these companies.

4 BY MR. AYALA MAURA:

5 **Q But even as Mr. Griffin's new role would have**  
6 **impacted beyond the bounds of the US entity, wouldn't**  
7 **it be -- wasn't it true that he was going to be on the**  
8 **US entity Motorsport USA payroll?**

9 MS. FÉROT: Form.

10 A I don't believe he was ever employed by the US  
11 entity. For him to be employed by the US entity he  
12 would have had to be legally approved to work in the  
13 US. I don't think the US had put him on its payroll  
14 without even having the proper work authorization and  
15 documentation, and I don't think he ever got that.

16 BY MR. AYALA MAURA:

17 **Q Well, we agree on that and that's pretty much**  
18 **why there is this lawsuit. But my question is: If**  
19 **everything had materialized the visa and all of that,**  
20 **the intended goal was for him to be paid by Motorsport**  
21 **USA, right?**

22 MS. FÉROT: Form.

23 A The intended goal? Would he have been moved  
24 to US payroll if he had been granted the visa?  
25 Possibly, right, but I don't think they ever made that

1 move. Now, I think you asked me about what the intent  
2 was; is that right?

3 BY MR. AYALA MAURA:

4 Q Correct, because that's all we can we talk  
5 about because it never materialized, right? So --

6 A Mm-hmm.

7 Q -- we're here in this case. So are you saying  
8 that it's a possibility that he could have moved here  
9 have that visa to legally work here and still be under  
10 Australia's payroll?

11 MS. FÉROT: Form.

12 A So if he had moved to the US and would have  
13 been legally authorized to work in the US, I think,  
14 yeah, he would have probably been part of the US entity  
15 he if was working for Motorsport Games Inc. Yeah, if  
16 he's legally authorized and the visa is granted, yes,  
17 it's possible that he may have been moved to the US  
18 payroll, and I think for that to happen his employment  
19 and the roles have to be updated from Motorsport Games  
20 Australia to Motorsport Games US as well.

21 BY MR. AYALA MAURA:

22 Q Going through more emails quickly. Let's mark  
23 now I have 436 -- MSG 436 I'm going to mark that one as  
24 7.

25 (Exhibit Number 7 was marked for

1 identification.)

2 BY MR. AYALA MAURA:

3 Q So just briefly -- so this is an email that  
4 Mr. Kozko as CEO sent to a series of individuals  
5 including some that we have spoken about, Amanda and  
6 others from Motorsport. I guess some of the  
7 implementations he wants to make in the corporate  
8 cultural -- do you -- have you seen this email? Do you  
9 recall this email?

10 A Yes, I saw this.

11 Q And obviously Mr. Kozko is the CEO of the US  
12 entity right?

13 A Mm-hmm, yes.

14 Q And this is what he wants. He appears to be  
15 displaying to a series of probably leadership regarding  
16 some objectives and goals he has. Is that a fair  
17 description of this communication?

18 A Yes.

19 MS. FÉROT: Form.

20 A Yes.

21 BY MR. AYALA MAURA:

22 Q Now, after that Mr. Kozko basically forwards  
23 the email to Zach and tells him, I like you to be part  
24 of this process even though you're not a direct report  
25 to me. This is sometime in January of 2022.

1           **Doesn't it seem that Mr. Kozko, the CEO of MSG**  
2 **wanted Mr. Griffin to be part of the company pretty**  
3 **badly?**

4           MS. FÉROT: Form.

5           A       Well, it looks like he wanted based on this  
6 email, and he wanted Zach to be part of the company and  
7 he also assisted with his relocation efforts.

8 BY MR. AYALA MAURA:

9           **Q       Correct. And it's all about wanting him to be**  
10 **part of the US company but not to remain in Australia,**  
11 **right?**

12          MS. FÉROT: Form.

13          A       Well, I don't know -- I mean, that's splitting  
14 hairs. Did he want him to be part of the US or  
15 Australia entity? I think he wanted Zach. This was a  
16 leadership email that he sent to the CFO and other --  
17 an employee to Zach -- so it looks like he, Dmitry, was  
18 considering Zach or wanted Zach to be part of the  
19 leadership team, right, in this email. He wanted him  
20 to be part of that what appears to be a leadership  
21 develop process that he was voted out.

22 BY MR. AYALA MAURA:

23          **Q       So I'm going to go quickly through each one.**  
24 **Ken Goldstein (phonetic) is he still in the company?**

25          A       No, he's not.

1           **Q     And when he was -- he was in US entity, right?**

2           A     He was -- we have, you know, we also have  
3 another company called 704Games Inc. that's a US  
4 subsidiary, but he was a US employee is the short  
5 answer. Whether he was employed by all the US  
6 entities, 704Games or Motorsport Games Inc. Ken was a  
7 former US employee, yes.

8           **Q     George Honkist (phonetic) was he -- is he**  
9 **still with the company?**

10          A     No.

11          **Q     Is -- was he a US employee in Motorsport Games**  
12 **USA?**

13          A     Yes, I believe he was an employee at least one  
14 of the USAs.

15          **Q     Stephen Hood still with the company?**

16          A     Yes, Stephen is currently the CEO of  
17 Motorsport Games. He's in the UK. He's not a US  
18 employee. I don't think he ever moved to the US. He's  
19 always been in the UK based on my understanding, and I  
20 believe he's employed by Motorsport Games Limited,  
21 which is a UK subsidiary. So Stephen at least since  
22 I've been in Motorsport Games has never been a US  
23 employee. He's been employed by the UK and I believe  
24 that was the case back then. He never moved to the US  
25 as far as I know.

1           **Q     Amanda Lecheminant she's not with the company**  
2 **anymore, right?**

3           **A     No. Former general counsel. She used to be a**  
4 **US employee.**

5           **Q     John, US employee?**

6           **A     Yeah, former CFO employee.**

7           **Q     Gustavo Roche?**

8           **A     Former US employee I believe, yes, and he's no**  
9 **longer with the company.**

10          **Q     All right. Thank you. I'm going to show you**  
11 **now we're going onto 447. MSG 447. We're doing that**  
12 **as Number 8.**

13                   **(Exhibit Number 8 was marked for**  
14 **identification.)**

15 BY MR. AYALA MAURA:

16          **Q     Let me share here. So this is another email**  
17 **January '22 prior to the relocation efforts. Mr. Kozko**  
18 **states to Mr. Griffin nothing to worry about. Just so**  
19 **we're in sync, and he's sharing communications. So it**  
20 **appears to me, and you can correct me if I'm wrong, but**  
21 **this appears to me that Stephen Hood is exchanging text**  
22 **messages with Mr. Kozko, and Mr. Kozko appears to be**  
23 **telling Mr. Hood that Mr. Zach Griffin is moving to the**  
24 **US permanently and that he's in the process of**  
25 **searching for a place to live. Is that a fair**

1 **depiction of this exhibit?**

2 MS. FÉROT: Form.

3 A So I believe this may have been a Teams  
4 message and it looks like, yeah, Stephen Hood was in  
5 the UK who was -- lived in the UK at the time. He's a  
6 UK employee reached out to Dmitry Kozko asking why Zach  
7 is traveling to the US and Dmitry responded that it's  
8 because he asked Zach to move and that Zach is  
9 searching for a place, and Dmitry then forwarded this  
10 exchange of messages to Zach saying FYI, nothing to  
11 worry about, but so we're in sync. So it looks like  
12 Stephen was not aware of Zach's move to the US.

13 BY MR. AYALA MAURA:

14 **Q At this point in time in January of 2022 who**  
15 **was more senior in leadership or had more**  
16 **granting-wise, I guess? Mr. Kozko was superior in**  
17 **granting to Mr. Hood, right?**

18 MS. FÉROT: Form.

19 A Yeah, Dmitry was the CEO and Mr. Hood was not  
20 in the UK. I think he was -- his title -- I don't  
21 remember what his specific title was. Probably  
22 president. Zach may have reported to Stephen at that  
23 time. I'm not completely sure what the reporting  
24 structure was. Yeah, but Dmitry was the head of  
25 Motorsport Games at the time.

1 BY MR. AYALA MAURA:

2       **Q     In general from what you know what you have**  
3 **reviewed do you have any information regarding any type**  
4 **of resistance to the relocation? Anyone in the company**  
5 **saying we don't think this is a good move?**

6       A     I don't have firsthand knowledge of that from  
7 the records I reviewed. I haven't seen any messages  
8 with anyone actively opposed to Zach moving to the US  
9 other than Stephen Hood inquiring of Dmitry why Zach  
10 was moving, because apparently he wasn't aware of Zach  
11 moving to the US.

12       **Q     Let's move onto 468. 468. This is an email**  
13 **with Mr. Kozko -- actually I don't understand.**

14               MS. FÉROT: Counsel, can you show the  
15               bate stamp. I know you stated it on the  
16               record, but so we can record it.

17               MR. AYALA MAURA: 468.

18               MS. FÉROT: Thank you.

19               MR. AYALA MAURA: We're doing this as 9.

20               (Exhibit Number 9 was marked for  
21               identification.)

22 BY MR. AYALA MAURA:

23       **Q     Can you read this and see if you understand**  
24 **it?**

25       A     Is this an email? It looks like an email from

1 Dmitry to Zach, but he's saying hey, Dmitry, hope  
2 you're well. I don't recall seeing this one  
3 specifically, you know, on just the documents, but from  
4 the looks of it, it looks like it's maybe from Dmitry  
5 to Zach about approving an internship between  
6 individuals.

7 **Q What is rFactor2?**

8 A RFactor is one of our -- one of the titles.  
9 Racing -- so the manufactures develops and publishes  
10 racing video games and rFactor2 is one of our titles.

11 **Q And this is the one Zach was working on?**

12 A He may have worked in rFactor2, but he was  
13 also involved with IndyCar and NASCAR as well.

14 **Q Does it appear that Dmitry is telling someone**  
15 **that Zach is overwhelmed with work?**

16 A Well, it says that now Zach is completely  
17 overwhelmed, it's going to take too long, et cetera, et  
18 cetera. So it looks like this -- yeah, someone is  
19 stating that Zach is overwhelmed in the email or in the  
20 message here.

21 **Q Whether it's rFactorn2 or IndyCar, the other**  
22 **game, so was Zach the leader of the development of**  
23 **these games?**

24 A The development of what games?

25 **Q I don't know, the rFactorn2 title or the Indy**

1 **you mentioned?**

2 A I don't know if Zach was the leader at that  
3 time for development of rFactor2. RFactorn2 is a title  
4 an engine that was acquired by Motorsport Games in an  
5 acquisition from April of 2021. So we purchased -- we  
6 being Motorsport Games purchased the studio that had  
7 the rFactor2 driving title.

8 **Q And let's move on. Moving on to MSG 487.**  
9 **We'll do this one as Number 10.**

10 (Exhibit Number 10 was marked for  
11 identification.)

12 BY MR. AYALA MAURA:

13 **Q Let me display my screen here. So this is an**  
14 **email from Dmitry to some individuals. Do you know who**  
15 **Anne Dongois is?**

16 A I've seen this email exchange, but I don't  
17 personally know who she is.

18 **Q Andy Stack?**

19 A I don't know who he is in this email.

20 **Q Sebastian Garcia?**

21 A Yeah, I know who Sebastian is here.

22 **Q Who is he?**

23 A He works for one of the subsidiaries of Driven  
24 Lifestyle.

25 **Q In this email Dmitry appears to be introducing**

1 Zach to this individual that's the head of global  
2 director of technology and he states that Zach is on  
3 his way to relocate to Miami with his family and will  
4 be here towards the second half of March.

5 So we've seen a lot of stuff regarding the  
6 relocation. I want to ask you again. There was no  
7 debate in the company that this was the move the  
8 company wanted to take? Meaning, bring Zach Griffin  
9 from Australia permanently to the US, correct?

10 MS. FÉROT: Form.

11 A You're asking whether there was any debate in  
12 the company? You mean, disagreement or just so I  
13 understand the question.

14 BY MR. AYALA MAURA:

15 Q Yeah, disagreement. Was there ambiguity about  
16 the decision over thinking about bringing Zach? Wasn't  
17 it an already made decision that just needed to be  
18 executed?

19 MS. FÉROT: Form.

20 A Well, from the email -- I don't have firsthand  
21 knowledge. I have to state that again. From the email  
22 communications I've seen it looks like there was desire  
23 by Dmitry for Zach to relocate to the US and Zach was  
24 excited about the move as well. I haven't seen any  
25 communication in any of the documents where anyone was

1 strongly opposed to the move, you know, Zach coming to  
2 the US. I haven't seem any communication where anyone  
3 said we don't think Zach's move was a good idea or --  
4 except for Stephen Hood the email that you shared  
5 earlier where he was asking why Zach was moving to the  
6 US that was the only inquiry, right? 'Cause he was  
7 unaware of the move, but I haven't seen any emails with  
8 anyone expressing strong opposition or any opposition  
9 to Zach moving to the US.

10 BY MR. AYALA MAURA:

11 **Q Okay. Thank you. Moving on to --**

12 MS. FÉROT: Counsel, do you mind if we  
13 take a quick break?

14 MR. AYALA MAURA: No.

15 MS. FÉROT: A quick one?

16 MR. AYALA MAURA: We're good. We're  
17 past to finishing before two hours.

18 MS. FÉROT: Okay. Do you mind --

19 MR. AYALA MAURA: Maybe an hour and 45.

20 MS. FÉROT: Okay. Thank you.

21 MR. AYALA MAURA: Off the record.

22 (Whereupon a short recess was taken.)

23 MR. AYALA MAURA: Back on the record.

24 BY MR. AYALA MAURA:

25 **Q So let's move onto MSG 548. MSG 548 which we**

1 are going to label as 11.

2 (Exhibit Number 11 was marked for  
3 identification.)

4 BY MR. AYALA MAURA:

5 Q So this is a letter with the details of the  
6 proposed remuneration. Do you recall this letter?

7 A Yes.

8 Q So 240,000 US dollar per annum, annual bonus  
9 20 percent. It includes installments of \$24,000 each.  
10 Do you recall this?

11 A Yes.

12 Q And this is -- this offer or this email is  
13 sent from Dara Malavolta from Motorsport USA, correct?

14 A Yes.

15 MS. FÉROT: Form.

16 BY MR. AYALA MAURA:

17 Q I don't know if she was physically here at  
18 this time, but Malavolta works at 5972 Northeast 4th  
19 Avenue, Miami, right?

20 A Yes, that's our office address. Motorsport  
21 address.

22 Q There's only one domain for Motorsport, right?  
23 So basically Motorsportgames.com domain is used by the  
24 Australia entity, the UK entity and some international  
25 entities as well?

1 A Emails, you mean?

2 Q Yes.

3 A Yes, I believe that's the primary domain for  
4 emails.

5 Q There is no Motorsport Games Inc. or usa.com?  
6 It's -- you guys are all using this one, right?

7 A Our entity we all use Motorsportgames.com as  
8 the domain. Now, whether they're different domains we  
9 used back then before I joined, I don't know.

10 Q Is your email right now as CFO the US entity  
11 this one as well Motorsportgames.com?

12 A Yes.

13 Q Moving onto 549, which is the next page. Here  
14 is the bate -- Alice doesn't trust me very much.

15 MS. FÉROT: I don't trust myself if I  
16 was able to remember it, that's all.

17 MR. AYALA MAURA: So 549 we can label  
18 Number 12.

19 (Exhibit Number 12 was marked for  
20 identification.)

21 BY MR. AYALA MAURA:

22 Q This is another letter from Malavolta where it  
23 states that Motorsport Games Inc a United States based  
24 entity have called on Zach Griffin to relocate to our  
25 headquarters in Miami, Florida to pursue a promotional

1 opportunity in our business. Do you recall this  
2 communication?

3 A Yes.

4 Q So where it says we have called Zach Griffin  
5 to relocate, isn't that an offer of employment to work  
6 in the US?

7 MS. FÉROT: Form.

8 A Well, he was already employed by the  
9 Australian entity, but they wanted him to work -- to  
10 move to Miami to work in the US.

11 BY MR. AYALA MAURA:

12 Q Right, but -- sorry, about that. But I  
13 want -- I mean, in more plain -- is this referencing  
14 more plain language that this was an offer for him to  
15 work in the US?

16 MS. FÉROT: Form.

17 A So this letter was reading -- so it would be  
18 submitted, I believe, with Zach's work visa  
19 application, right? So, yes, this letter, you know,  
20 clearly states that Motorsport Games Inc., the US  
21 subsidiary, USA, have called Zach to move to the US to  
22 work in the US.

23 BY MR. AYALA MAURA:

24 Q And it was not only to reflect the current  
25 offer to work in the US, but in a visa process, right?

1       A       Yeah, I believe this letter was reading in  
2 support of his visa application in the US.

3       **Q       But even though it was main support of this**  
4 **application do you find any of the contents of this**  
5 **visa untruthful -- of this letter untruthful or**  
6 **inaccurate?**

7                   MS. FÉROT: Form.

8       A       I don't think -- no, I don't think any of the  
9 contents are inaccurate for him to apply -- for Zach to  
10 apply for a US work visa. I mean, a US based entity  
11 would have to send letters in support of that and I  
12 think that's what this is saying.

13 BY MR. AYALA MAURA:

14       **Q       Correct, but it is not only a letter to help**  
15 **the visa, the reality of the job offer to work in the**  
16 **US was truthful, right?**

17                   MS. FÉROT: Form.

18       A       Yeah, it was a letter in support of the visa,  
19 right. I think if the question is whether the contents  
20 of this letter are truthful, I think they are truthful,  
21 yes.

22       **Q       Okay. And let's move to 550. Bate stamp 550**  
23 **-- hold on. Checking my notes here. No, no, no.**  
24 **We're not moving onto 550.**

25                   MR. AYALA MAURA: We are moving now to a

1 different subset from our production, Alice.

2 So this will be -- I know I owe you the  
3 itemized version of this. That's in the  
4 works. This will be Griffin 004 -- the 004  
5 is somewhere here. I don't see it well, but  
6 is it page 4 of the Griffin production.

7 We're marking that as 13.

8 (Exhibit Number 13 was marked for  
9 identification.)

10 BY MR. AYALA MAURA:

11 Q And this is the only version of this email  
12 that I received. I tried to get another version, but  
13 my client doesn't have it unfortunately. But this is  
14 an email. I don't know if it's visible from there. I  
15 can try to read it out loud. This is some discussions  
16 between -- Malavolta is sending an email to Zach and  
17 Dmitry. Basically regarding the options for visa H-1B  
18 or I guess other options. Is it visible to you or do  
19 you recall the document?

20 A I can see it. I can see the email.

21 Q Yes, so is it fair to say that HR was actively  
22 involved in the process of obtaining a visa for Zach to  
23 work in the US?

24 A Yes. So Dara was the director of HR and, yes,  
25 she did assist by providing, you know, the requested

1 documents, like, you know, a letter from the company  
2 about Zach's move to the US. Yeah, so Dara being the  
3 director of HR, yes, assisted in the relocation efforts  
4 for Zach.

5 **Q How familiar are you with the visa process?**  
6 **Is that something you're familiar with?**

7 MS. FÉROT: Objection to form.

8 A I'm not very familiar with the visa process.

9 BY MR. AYALA MAURA:

10 **Q Do you know that the visa process has a**  
11 **petitioner and a beneficiary of a petition, do you know**  
12 **that?**

13 A Do I -- I didn't understand the question.

14 **Q Do you know that whatever visa they're**  
15 **discussing each visa has a petitioner and then the**  
16 **petition party the beneficiary of the petition, do you**  
17 **know that?**

18 A Yeah, so basically what you just said the  
19 petitioner would be the company, I guess, Motorsport  
20 Games in this case, right, and then --

21 **Q Motorsport USA more specifically.**

22 MS. FÉROT: Objection to form. We have  
23 no pending question here.

24 MR. AYALA MAURA: Sorry.

1 BY MR. AYALA MAURA:

2       **Q       So the petitioner will be Motorsport USA more**  
3 **specifically, right?**

4                   MS. FÉROT: Objection to form.

5       A       I think is the question whether or not  
6 Motorsport Games Inc was the petitioner?

7 BY MR. AYALA MAURA:

8       **Q       Yes.**

9       A       I think it sounds like it would be, but the  
10 petitioner would be -- would the petitioner be the  
11 company applying on behalf of the individual, is that  
12 how you would describe it?

13       **Q       That's how I describe it. I want to know if**  
14 **that's your understanding as well.**

15       A       Yeah, it sounds right. The petitioner would  
16 be the company making the application or supporting the  
17 application, which would be Motorsport.

18       **Q       And the point I'm trying to get across is that**  
19 **Malavolta or anyone at HR they weren't simply**  
20 **coordinator of they weren't simply referring contacts**  
21 **or lawyers to Griffin. Malavolta only handled**  
22 **Motorsport USA. The petitioner was a huge factor in**  
23 **Mr. Griffin obtaining a visa, right?**

24                   MS. FÉROT: Objection to form. Multiple  
25 layers of objection here. Facts not in

1 evidence. Multiple layers.

2 A Can you restate the question? I don't --

3 BY MR. AYALA MAURA:

4 Q Yes. So more simply Malavolta as HR of  
5 records in Motorsport USA wasn't simply a coordinator.  
6 She was acting on behalf of the petitioner of the visa,  
7 which is Motorsport USA, correct?

8 MS. FÉROT: Objection to form.

9 A The question is whether Dara was acting on  
10 behalf of the petitioner?

11 MS. FÉROT: Objection --

12 BY MR. AYALA MAURA:

13 Q Correct.

14 MS. FÉROT: -- to form.

15 A Yes, Dara was the head of HR and HR was part  
16 of the process, right, the visa application process.  
17 They have to provide for the documents and so on. So  
18 she assisted in that effort.

19 BY MR. AYALA MAURA:

20 Q Let's go to page 6 of Griffin. Griffin 006  
21 here. So this is Malavolta's email to Zach Griffin.

22 MS. FÉROT: Well, is it a new exhibit?

23 MR. AYALA MAURA: No. No. It's  
24 actually not an exhibit. We're going to do  
25 13 the entire composite Griffin production

1 from 001 to 320.

2 MS. FÉROT: Counsel, it's easier that --  
3 so that means the exhibit will be the entire?  
4 Maybe the depo -- what we're doing what we  
5 need to update the -- what we're looking at,  
6 what evidence?

7 MR. AYALA MAURA: Well, I'm focusing on  
8 page 6 right now, and I'll give you an  
9 opportunity to read it, but just -- it makes  
10 it faster if we just do one exhibit as  
11 opposed to page by page.

12 MS. FÉROT: Counsel, also I ask when you  
13 know clearly what we're looking at everything  
14 so we're on which bate number?

15 MR. AYALA MAURA: Bate 006. Griffin  
16 006.

17 MS. FÉROT: Thank you.

18 BY MR. AYALA MAURA:

19 **Q So in this email Malavolta appears to be**  
20 **basically running Mr. Zach through -- what is it health**  
21 **plans maybe? Do you understand this email?**

22 A So is this -- can we see what this email is in  
23 response to?

24 **Q Yeah, maybe --**

25 A Otherwise I apologize for the delay. So did

1 Zach request something?

2 MS. FÉROT: Counsel, I'm also objecting  
3 because this is a partial document. What's  
4 being requesting the entire document.

5 BY MR. AYALA MAURA:

6 Q So Malavolta, 7 '22. This what I have. If  
7 you can -- if it makes sense to you, you can answer.  
8 If not, we'll move on. It appears to me that Malavolta  
9 from HR at Motorsport USA is working with Mr. Griffin  
10 regarding health plans or benefit plans of the payroll  
11 in the USA. Do you use ADP in payroll in the USA?

12 A Yes, ADP is our field processor or provider.

13 Q So Malavolta as HR in the USA, Motorsport USA,  
14 would be referring or briefing Mr. Griffin regarding  
15 details of being in payroll in USA ADP, correct?

16 MS. FÉROT: Objection to form.

17 A Yes. So it looks like this is Dara's email in  
18 response to an inquiry from Zach. It starts off by  
19 saying Hi Zach, I apologize for the delay on this and  
20 then she leaks out associated costs and she looks like  
21 she's walking him through some of the benefits. So  
22 there's an earlier email it looks like since she's  
23 responding to Zach.

24 BY MR. AYALA MAURA:

25 Q Yeah, and that's her. I apologize for not

1 having that email, but is it fair to say what the email  
2 speaks regarding ADP, health saving plans, they're not  
3 medical stuff. They're not referring to health saving  
4 plans or things in Australia, right?

5 MS. FÉROT: Objection to form.

6 A The question is whether or not Dara was  
7 providing information about benefit and health plans in  
8 Australia or the US?

9 BY MR. AYALA MAURA:

10 Q No. My question is the health saving plans  
11 that Dara is referring to here that would be at US base  
12 health saving plans, correct?

13 A I don't know. Dara who oversees the US or she  
14 did.

15 Q Okay.

16 A It looks like it's the US. She's talking  
17 about US health savings plan in response to an inquiry  
18 from Zach, but in the US, right?

19 Q Do you know -- sorry. Do you know of the  
20 company in Australia ADP, too?

21 A I don't know especially back then. We no  
22 longer have employees in Australia, but if it's ADP, we  
23 use ADP in the US.

24 Q Okay. So moving down to bate stamp Griffin  
25 008 part of what we labeled as Composite 13, there's

1 another one where we don't have a more visual friendly  
2 version, but this is between Jason Potter and Zach  
3 Griffin, cc Stephen Hood. Who is Jason Potter? It  
4 says here EVP of Finance. He is with the company  
5 still?

6 A Jason no longer works for Motorsport Games,  
7 no.

8 Q And there's a lot of people that don't work  
9 for the company that we've spoken about, right? Has  
10 there been, like, a massive lay off or something  
11 happened?

12 A Yeah, we've had a couple of structural  
13 incidents and downsizing. The last one was in October  
14 of 2024, and it's publicly available as well.

15 Q And Jason Potter was working at the  
16 headquarters at 5972 Northeast 4th Avenue, right?

17 A Correct.

18 Q Now Jason Potter of Finance discusses what he  
19 did was a relocation package. You see that?

20 A (No verbal response.)

21 Q Do you know the context of this communication?  
22 This happened sometime -- well, I don't know the date  
23 of this. This is a bit difficult.

24 A You have to go to the initial email. Looks  
25 like Jason is writing to Zach in the initial email if

1 you scroll down a little bit. There you go.

2 Q Okay. So this is sometime around July 2023.  
3 So this is after the fact when I guess the parties are  
4 discussing some of the, I guess, costs associated with  
5 the failed relocation. Are you familiar with that  
6 topic? I think -- did we lost -- did we lose your  
7 lawyer?

8 A Yes.

9 Q I can't talk to you without your lawyer.

10 MS. FÉROT: Yes, Counsel, I can still  
11 hear, but I'm having issues. I think I'm  
12 having a power issue. Hold on a second.

13 MR. AYALA MAURA: Oh, you guys are  
14 together? I didn't know that.

15 THE WITNESS: Yes, that's the reason.

16 MS. FÉROT: Can we go off the record for  
17 just a second?

18 MR. AYALA MAURA: Yeah.

19 MS. FÉROT: Thank you.

20 MR. AYALA MAURA: Off the record.

21 (Whereupon, an off the record discussion  
22 was had.)

23 MR. AYALA MAURA: Okay. Back on the  
24 record.  
25

1 BY MR. AYALA MAURA:

2 Q So we were at Griffin 008 part of the  
3 Composite 13. So are you familiar with the exchanges  
4 or communications regarding Mr. Griffin trying to  
5 obtain some of the costs associated with the failed  
6 relocation process?

7 A I've seen the email exchanges based on the  
8 records and the documents that I reviewed.

9 Q Did you know whether Finance, Mr. Potter or  
10 someone else approved certain expenses associated with  
11 the cost of him -- let's call it the unachieved  
12 relocation process.

13 A I have access to accounting records and I've  
14 seen expense reports that were paid out with some of  
15 Mr. Griffin's expenses regarding relocation, like, air  
16 fare.

17 Q Okay. Let's move to page 26 on 25. So  
18 Griffin 025. So this is an exchange between Griffin  
19 and Malavolta discussing --

20 MS. FÉROT: Counsel, can you please show  
21 the entire document and I didn't get a chance  
22 to --

23 MR. AYALA MAURA: This is like --  
24 there's one page, Griffin 25. This is the  
25 only version we have on this.

1 MS. FÉROT: Is there a bate stamp?

2 MR. AYALA MAURA: Yeah, it's Griffin  
3 0025. It's dark here. It's very dark, but  
4 it's there.

5 MS. FÉROT: Got it. Thank you.

6 BY MR. AYALA MAURA:

7 **Q So, I mean, generally these are discussions**  
8 **regarding the visa between HR and Griffin. You can**  
9 **take your time to review it. I can make it bigger, but**  
10 **it is -- it's basically conversations about the visa**  
11 **promises. My question to you, and you can have the**  
12 **time to review it is: Isn't it fair to say that the**  
13 **only reason why Mr. Griffin was not relocated is the**  
14 **failure to obtain a visa?**

15 MS. FÉROT: Objection to form.

16 A The question is isn't it fair that the only  
17 reason why he wasn't relocated is because the visa  
18 application process was not successful?

19 BY MR. AYALA MAURA:

20 **Q Yes, that's my question.**

21 A I don't know if that's the only reason that  
22 would be conjecture at this point.

23 **Q What other reasons that you know of are --**  
24 **were factored into that it involved the CEO appearing**  
25 **to wanting him strongly. He's not ultimately**

1 **relocating here. What other factors do you know of?**

2 A What other factors do I know of? Based on my  
3 review it looks like an application, a visa application  
4 was never submitted even after Griffin's hand picked  
5 immigration attorney, Cammisa Markel was retained and  
6 paid by Motorsport Games, right? I also see email  
7 exchanges where Griffin has been asked for his  
8 immigration, his paperwork and, you know, few weeks a  
9 month or two go by and follow ups as well. So even  
10 with Griffin's hand picked attorney, Cammisa, again  
11 that was paid for by Motorsport Games, for some reason  
12 his application or visa was never submitted based on  
13 what I've seen. So if an application for visa was not  
14 submitted by Griffin's hand picked attorney, I don't  
15 know how to get a visa.

16 **Q Let's talk about that. Do you recall more or**  
17 **less -- and I think I have some emails about that.**  
18 **Maybe we can switch to those emails. I'm going to page**  
19 **182. This is Mark Katsman. This is the attorney that**  
20 **was not hand picked by Mr. Griffin, right?**

21 A Yes. So he's an attorney. I'm not familiar  
22 with Mark Katsman personally, never met him, but based  
23 on my review of the records, it looks like an  
24 introduction was made, you know, to Griffin with Mark  
25 Katsman.

1 MS. FÉROT: Counsel, number?

2 MR. AYALA MAURA: 1185 -- 182, I'm  
3 sorry.

4 MS. FÉROT: 182, thank you.

5 BY MR. AYALA MAURA:

6 **Q So some time give or take in June 2022,**  
7 **correct?**

8 A I'm sorry, you're asking whether the  
9 introduction was made in June 2022?

10 **Q Yes, some time around that time?**

11 A Based on my recollection I think it was made  
12 earlier. I think it was made some time in 2, late 2/3  
13 early 2/4 of 2021. By June of 2022 wasn't Griffin  
14 already in the US, based on my recollection. I think  
15 he moved -- came to the US in March, maybe April of  
16 2022, and I've seen email exchanges with that  
17 introduction going back to June 24, 2021.

18 **Q Okay. Isn't it true that Amanda Lecheminant**  
19 **recommended Mark Katsman.**

20 MS. FÉROT: Objection to form .

21 BY MR. AYALA MAURA:

22 **Q Or Motorsport USA recommended that the visa**  
23 **process be undertaken by Mr. Mark Katsman?**

24 A I think Zach was looking for a US attorney,  
25 immigration attorney to do the paperwork and Motorsport

1 Games or maybe Dmitry introduced Mark Katsman as an  
2 immigration attorney that could be used by Zach.

3 **Q So when -- do you recall when was it that he**  
4 **became in contact with another attorney the one that**  
5 **you said he hand picked? Do you know when was that?**

6 A I see that based on my review of the records I  
7 see that in January of 2023 the retainer payment to  
8 commence with Markel which is an immigration attorney  
9 that Zach suggest he wanted to use. That retainer  
10 payment was made by Motorsport Games.

11 **Q January?**

12 A Based on my recollection I think it was -- I  
13 believe it was January of 2023 early. I recall seeing  
14 an email from Jason Potter to Zach saying that the  
15 retainer had been paid.

16 **Q I'm moving to Griffin 197. This appears to be**  
17 **an email from Amanda asking for visa options for**  
18 **Griffin, right?**

19 A Yes. So this is the introduction I think that  
20 I alluded to a few minutes ago when I said this was  
21 September of 2021 where Amanda is introducing Mark  
22 Katsman to Zach Griffin, right, saying that Zach is  
23 exploring options, visa options because he would like  
24 to move to the US to work here.

25 **Q And this was for the purposes of the**

1 **relocation, right?**

2 A Right, this was, yeah, for Mark to work on  
3 relocation and the visa application.

4 Q So I'm going to move on to this. Now -- so  
5 the immigration -- the efforts from Motorsport USA to  
6 Amanda to connection to an immigration lawyer were for  
7 the purposes of the relocation to the US, correct?

8 MS. FÉROT: Objection to form.

9 A Right. So the communication you just showed  
10 looks like that was a message from Zach to Amanda  
11 saying -- asking for an introduction for an immigration  
12 attorney if I recall seeing that correctly.

13 BY MR. AYALA MAURA:

14 Q And then there were also efforts or  
15 explanations to Mr. Griffin regarding benefit plans,  
16 health plans in the US that were done for the purposes  
17 of the relocation, right?

18 A Right. So the first part of that it looks  
19 like Zach asked for an introduction to an immigration  
20 attorney. He mentioned that message as he granted that  
21 Dmitry mentioned that he can make an introduction with  
22 the immigration attorney that the company has used in  
23 the past, right? And then around September of 2021  
24 Amanda makes that introduction to Mark Katsman for  
25 Zach.

1           **Q     Correct, but then there was also discussions**  
2 **between HR and Zach where Zach is being explained the**  
3 **benefits, the ADP details which he was being given**  
4 **those explanations in the context of the relocation,**  
5 **right?**

6           A     Yes, so you're likely referring to that email  
7 where Dara mentions the ADP payment fee for health  
8 savings plans. We did not see that initial email, but  
9 the first line of that is, you know, Dara saying sorry  
10 for the delay in getting back to you or something to  
11 that effect. It looks like she was responding to an  
12 inquiry from Zach where he was asking about benefits  
13 available in the US and she provided that information  
14 to him.

15           **Q     And we've seen also earlier some of these**  
16 **letters discussing the salary that he would make**  
17 **working in the US with the bonuses, do you remember**  
18 **that?**

19                   MS. FÉROT: Objection to the form.

20           A     So there's two sides of that, right? The  
21 first is there's an addendum to his employment  
22 agreement, right? Where his base salary, Zach's base  
23 salary was increased from 170,000 to 240,000, right?  
24 And the 20 percent bonus component was added to it all  
25 changes to his salary had to be in writing or any

1 benefits that was entitled had to be in writing and  
2 that became part of his personnel file, right? So  
3 there's that addendum to his compensation arrangement  
4 that was provided. There was also a letter for Dara to  
5 what looked like the, you know, the authority in  
6 Australia about supporting and saying that Zach has  
7 been requested to move to the US.

8 BY MR. AYALA MAURA:

9 Q I'm now at Griffin 202. I don't know if you  
10 recall reviewing the records some rental applications  
11 Motorsport USA and Mr. Dmitry Kozko, himself, acting as  
12 sort of a guarantor of an rental application for Mr.  
13 Griffin to find an apartment in Miami. Do you recall  
14 any of that?

15 MS. FÉROT: Objection to the form.

16 A So if you scroll to the bottom, Dmitry's name  
17 is included as a contact in case of an emergency. I  
18 don't see this as a guarantor. It says in case of  
19 emergency and then -- can you scroll back up, please?

20 BY MR. AYALA MAURA:

21 Q No. I want to show you where he actually  
22 signs as an --

23 A So I think --

24 Q I don't want to focus on this one because it  
25 appears that it's not as useful. So I want to go to --

1    **okay. I found it.**

2           **I'm moving onto 254. So this is a Guarantor**  
3    **Pre-Leasing Application, and it lists as a guarantor**  
4    **Mr. Kozko. It lists Motorsport Inc. and then as the**  
5    **employer so -- and this appears to be Mr. Kozko's**  
6    **signature, but I don't know if you recognize that.**

7           **Do you have any reason to doubt that this**  
8    **document is a document that reflects Mr. Kozko trying**  
9    **to help Mr. Griffin in finding an apartment by**  
10   **guaranteeing his lease?**

11          A     Yes, it looks like, if that's Kozko's  
12   signature, he looks like he's listed as the guarantor  
13   for the lease application. Not sure if this was  
14   done -- I have no other contexts around it, but, yeah,  
15   Dmitry is clearly listed as a guarantor on the lease  
16   application on behalf of Zach.

17          Q     **And Mr. Kozko appears to have gone as far as**  
18   **providing his own paystubs for the leasing company or**  
19   **to the apartment for, I guess, backing. Do you recall**  
20   **any of this? Have you seen this information -- the**  
21   **documents?**

22          A     There's all kinds of records. So this was all  
23   part of the lease application that was submitted,  
24   right? And, yeah.

25          Q     **So Mr. Kozko is trying to help him with an**

1 apartment, Amanda is trying to help him with a visa, HR  
2 is describing benefits and salary packages. Do you  
3 think it was unreasonable for Mr. Griffin to believe  
4 that he was promised to relocate to the United States?

5 MS. FÉROT: Objection to form.

6 A Do I think it was unreasonable for Mr. Griffin  
7 to -- can you repeat? I just don't understand the  
8 question. Can you restate it?

9 BY MR. AYALA MAURA:

10 Q Yes. So was -- when Mr. Griffin made  
11 arrangements to move to the US, when Mr. Griffin's wife  
12 quit her job in Australia to move with her partner to  
13 the US, and also some of these people -- arrangements  
14 were made for the purposes of residing in the US, do  
15 you think based on the evidence we have gone through  
16 that he was unreasonable in doing so?

17 MS. FÉROT: Objection to form.

18 A I think the company, Motorsport Games Inc.  
19 made a considerable effort to assist Zach Griffin with  
20 his relocation to the US, and that includes, you know,  
21 Dmitry the CEO, right? So there's a visa as an  
22 guarantor on his lease application. Amanda making an  
23 introduction to an immigration attorney, Mark Katsman,  
24 after Zach requested that introduction be made. It  
25 also includes, you know, Dara as the head of HR

1 providing information with benefits provided by ADP in  
2 what looks like a response to Zach inquiring about  
3 benefits available.

4           Yeah, so I think, you know, all efforts were  
5 made by Motorsport Games Inc. and its representatives  
6 to assist Zach as much as possible to pay for the  
7 retainer for not only the immigration attorney that was  
8 introduced to Zach but to pay for a new one that he  
9 asked for. Yeah, I think all efforts were made to  
10 assist him in the relocation effort.

11 BY MR. AYALA MAURA:

12           **Q     But my question is different. I agree with**  
13 **you that there were efforts made, we've gone through**  
14 **them. My question is: Was Mr. Griffin incorrect when**  
15 **he understood that Motorsport USA had promised him**  
16 **we're going to relocate you to the United States? Was**  
17 **he incorrect in believing that he had been given a**  
18 **promise of a relocation?**

19           MS. FÉROT: Counsel, I'd like to make a  
20 speaking objection as we're getting through  
21 this. It calls for speculation for a legal  
22 conclusion and you've been asking him twice.

23           MR. AYALA MAURA: Noted.

24 BY MR. AYALA MAURA:

25           **Q     Mr. Beckley?**

1           A       Yeah, that's -- yeah, that is speculation.  
2       You're asking me whether Zach was correct in his  
3       assessment. I don't know what the answer is.

4           **Q       Well, the reason I'm asking you for this is**  
5       **because when Motorsport answered the lawsuit, it states**  
6       **MSG alleged promise. So it calls the promise of**  
7       **relocation an alleged promise and it states that it was**  
8       **not sufficiently definite in time and terms.**

9                       So do you think that Mr. Griffin misunderstood  
10       the whole thing?

11                      MS. FÉROT: Objection to form.

12           A       Do I think -- do I know whether or not Mr.  
13       Griffin misunderstood the whole thing; is that your  
14       question?

15 BY MR. AYALA MAURA:

16           **Q       I'll rephrase it. Do you think, Mr. Griffin**  
17       **--**

18                      MS. FÉROT: We're getting really into  
19       legal issues right now. It's really not  
20       appropriate.

21 BY MR. AYALA MAURA:

22           **Q       Do you think Mr. Griffin did not have a**  
23       **promise from Motorsport USA to be relocated to the**  
24       **United States?**

25                      MS. FÉROT: Objection to form.

1       A       Like I said, Motorsport Games assisted.  
2       Dmitry wanted Zach to move to the US. Zach was  
3       amenable to that. He was excited about the move as  
4       well, right? So there was mutual interest there.  
5       Yeah, I think Dmitry -- the company, Dmitry wanted to  
6       have him and so did Zach, and then worked towards that  
7       goal.

8               MR. AYALA MAURA: Mr. Beckley, I have no  
9       more questions. Thank you for your answers.

10              THE WITNESS: Okay. Thank you.

11              MS. FÉROT: I have no more questions as  
12       well, and then we will read.

13              MR. AYALA MAURA: And we will order  
14       regular time.

15              (The video conference deposition was  
16       concluded at 11:53 a.m.)

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF FLORIDA  
4 CASE NO.: 24-cv-21929-BLOOM/Elfenbein

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5 ZACHARY GRIFFIN,  
6 Plaintiff,

7 vs.

8 MOTORSPORT GAMES INC.,  
9 Defendant.

---

10  
11 TO: AXS LAW GROUP, PLLC  
12 C/O: STANLEY BECKLEY  
13 BY: ALICE FÉROT, ESQ.  
2121 NW 2ND AVENUE, SUITE 201  
14 MIAMI, FLORIDA 33127

15 Your deposition taken in the above entitled cause  
16 is now ready for signature. Please come to this office  
and sign same; or if you wish to waive the signing of  
the deposition, please so advise.

17 If this deposition has not been signed by March  
14, 2025, we shall consider your signature waived.

18 ELITE REPORTING OF SOUTH FLORIDA, INC.

19 707 SE 3rd Avenue, #101  
20 Fort Lauderdale, Florida 33316  
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21  
22 Diana Armendariz Smith, FPR  
23  
24  
25

C E R T I F I C A T E

STATE OF FLORIDA )

I, DIANA ARMENDARIZ SMITH, Florida  
Professional Reporter certify that I was authorized to  
and did stenographically report the foregoing  
deposition; and that the transcript is a true record of  
the testimony given by the witness.

I further certify that I am not a relative,  
employee, attorney or counsel of any of the parties, nor  
am I a relative or employee of any of the parties'  
attorney or counsel connected with the action, nor am I  
financially interested in the action.

WITNESS my hand and official seal in the State  
of Florida, this 14th day of February, 2025.

  
DIANA ARMENDARIZ SMITH  
Florida Professional Reporter



CERTIFICATE OF OATH

STATE OF FLORIDA )

I, Diana Armendariz Smith, certify that STANLEY BECKLEY, personally appeared before me via video conference on January 30, 2025 and was duly sworn.

WITNESS my hand and official seal this 14th day of February, 2025.

  
DIANA ARMENDARIZ SMITH

Florida Professional Reporter  
Notary Public, State of Florida  
at Large  
My Commission No.: HH358310  
My Commission expires: 6-3-27

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